IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2173 OF 2004

Santosh Kumar Kejriwal
and Anr. ..Petitioners
Vs.
State of Mah. & Ors. ..Respondents

...
Mr.Anand Kumar Advocate for Petitioners
Mrs.M.M.Deshmukh A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 14,2006

P.C.

1. Heard the learned advocate for the petitioners, and the learned A.P.P. for the State. None appears for the Respondent-original complainant though served.

2. The petitioners-original accused are seeking quashing of process issued by the learned Chief Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai in Case No.1118/S/2002. The said case is under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order in the case of **V.K.Jain and others Vs. Pratap P.Padode reported in 2005(3) Mh.L.J. 778,** in my view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of

Magistrate issuing process. Hence, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners states that necessary revision will be preferred within a period of six weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of said revision on merits after hearing the necessary parties. As far as delay in preferring revision is concerned, the learned Sessions Judge shall condone the delay if any, in filing the revision. In the meantime, the proceedings before the trial Court are stayed for a period of six weeks from today.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]